

## 025 - COUNTY COUNSEL

### Operational Summary

#### Mission:

To provide the highest quality legal advice and representation to the Board of Supervisors, elected and appointed department heads, County agencies/departments and staff, and Board-governed special districts.

#### Strategic Goals:

- Provide highly competent legal advice to clients on matters related to their public duties and responsibilities in the administration of the public's business, in accordance with high ethical and professional standards.
- Effectively prosecute and defend civil actions in which clients are involved.
- Deliver all legal services to clients as efficiently and economically as possible.

#### Key Outcome Indicators:

Performance Measure	2004 Business Plan	2005 Business Plan	
	Results	Target	How are we doing?
<b>PERCENTAGE OF CLIENTS RATING ADVISORY SUPPORT AS SATISFACTORY IN TERMS OF QUALITY &amp; RESPONSIVENESS.</b> <b>What:</b> Measurement of quality and effectiveness of services provided. <b>Why:</b> Client satisfaction is the primary measure of success for a service agency.	93% or better based on survey of clients.	Maintain at 90% or better rate of success.	Exceeded goal.
<b>PERCENTAGE OF WRITTEN OPINIONS CHALLENGED IN COURT OR ADMINISTRATIVE PROCEEDINGS.</b> <b>What:</b> Measurement of the quality of legal advice. <b>Why:</b> Provides measure of quality of services provided.	No opinions challenged.	Maintain at 5% or less.	Exceeded goal.
<b>PERCENTAGE OF WRITTEN OPINIONS THAT ARE UPHELD.</b> <b>What:</b> Measurement of the quality of legal advice. <b>Why:</b> Provides measure of quality of services provided.	No opinions challenged.	Maintain 90% or better rate of success.	Exceeded goal.

## Key Outcome Indicators: (Continued)

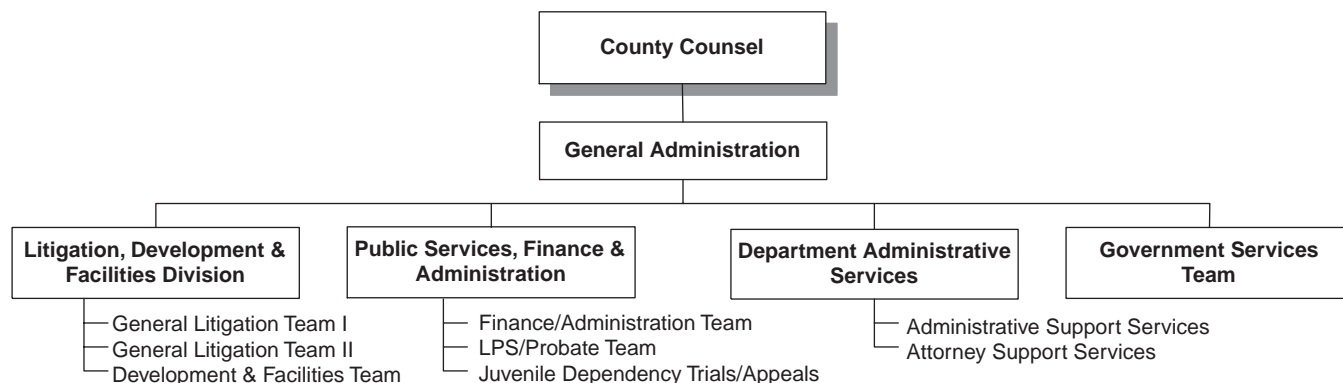
Performance Measure	2004 Business Plan Results	2005 Business Plan Target	How are we doing?
<b>PERCENTAGE OF CLIENTS RATING LITIGATION SUPPORT AS SATISFACTORY IN TERMS OF QUALITY/RESPONSIVENESS.</b> <b>What:</b> Measurement of quality and effectiveness of services provided. <b>Why:</b> Client satisfaction is the primary measure of success for a service agency.	90% or better based on survey of clients.	Maintain at 90% or better rate of success.	Met goal.
<b>PERCENTAGE OF DEPENDENCY CASES UPHELD ON APPEAL.</b> <b>What:</b> Measurement of the quality of services provided by County Counsel. <b>Why:</b> Provides measure of quality and effectiveness of services provided.	Over 90% were upheld on appeal.	Maintain 90% or better rate of success.	Exceeded goal.
<b>PERCENTAGE OF MENTAL HEALTH CASES WON OR RESOLVED WITH APPROVAL OF CLIENT.</b> <b>What:</b> Measurement of the quality of services provided by County Counsel. <b>Why:</b> Provides measure of the quality and effectiveness of services provided.	94% won or resolved.	Maintain 90% or better rate of success.	Exceeded goal.
<b>PERCENTAGE OF GENERAL LITIGATION CASES WON OR RESOLVED WITH APPROVAL OF CLIENT.</b> <b>What:</b> Measurement of the quality of services provided by County Counsel. <b>Why:</b> Provides measure of quality and effectiveness of services provided.	Estimated to be 90-95%.	Maintain 90% or better rate of success.	Met or exceeded goal.
<b>PERCENTAGE OF CLIENT REQUESTS FOR LEGAL ADVICE RESPONDED TO WITHIN 30 DAYS.</b> <b>What:</b> Measurement of the timeliness and effectiveness of services provided. <b>Why:</b> Provides measure of quality and effectiveness of services provided.	The number of opinion requests still outstanding after 30 days is 15% or less than the 1998 baseline, and represents a 47% decrease in outstanding opinion requests since 2002.	Maintain inventory of 30-day old opinion requests at 15% or less of 1998 baseline.	Exceeded goal.
<b>PERCENTAGE OF CLIENTS RATING ADVISORY &amp; LITIGATION SERVICES AS SATISFACTORY IN TERMS OF TIMELINESS.</b> <b>What:</b> Measurement of timelines of services provided. <b>Why:</b> Client satisfaction is the primary measure of success for a service agency.	93% or better based on survey results.	90% or better based on survey results.	Exceeded goal.

## FY 2004-05 Key Project Accomplishments:

- Provided legal assistance to ensure that enactment of Proposition 1-A (a statewide ballot initiative) would not impair the County's bankruptcy recovery debt pledges and liens.
- Successfully appealed an adverse trial court decision that would have seriously limited the County's ability to require builders to comply with the Foothill Trabuco Specific Plan.
- Provided increased legal services to Registrar of Voters on novel issues, including implementation of the Federal Help America Vote Act, electronic voting, special elections and local initiatives.
- Provided a high level of legal support for the Rancho Mission Viejo development project process.

- Protected the County's rights in a condemnation action filed by the Santa Ana Redevelopment Agency regarding acquisition of a building which housed County HCA/Environmental Health Division and obtained compensation and relocation benefits.
- Assisted County CEO in avoiding condemnation action threatened by OCTA for its SR-22 widening project, and assisted in negotiating a settlement of claims in a way that compensated the County for the property rights acquired by OCTA and resulting losses sustained by the County.
- In 2004, prepared 364 mental health (LPS) cases for jury trial, a 53% increase over the previous year.
- Assisted John Wayne Airport staff in drafting emergency contracts for construction of and improvements to screening of airline passengers.
- Assisted Human Resources Department on implementation of self-directed brokerage option for participants in the County's Deferred Compensation Program.
- Advised RDMD/Flood/Santa Ana Program staff regarding the responsibilities of the Orange County Flood Control District in dealing with property owners and members of the public in response to request for information and documents, and in negotiation of potential acquisitions as a part of the Prado Dam project.
- Advised RDMD/Real Estate regarding the County's responsibilities in dealing with property owners in the Tustin area as to possible acquisition of properties necessary for extension of walking trail.
- Assisted in the preparation of the Kermore Lane kennel noise ordinance.
- Provided a significant level of legal support for the ongoing Dana Point Harbor revitalization.
- Continuation of the Law Awareness Workshop program.
- Successfully represented the County and its various departments in Pitchess motions for law enforcement records, and subpoenas for employee records.
- Provided legal advice and representation for the Assessor on tax matters before the Assessment Appeals Board and in the Superior Court.
- Through condemnation proceedings and resulting settlements, completed the acquisition of all remaining property interests required by the Orange County Flood Control District for reconstruction of the Segunda Deschecha Canada flood channel.
- Continued to provide both advice and representation in numerous stop notice cases.
- Coordinated the retention of appraisers for the Santa Ana River Project.
- Continued to provide extensive, ongoing training for Social Services Agency personnel relating to child dependency law and proceedings.
- Continued to provide extensive training for Public Administrator/Public Guardian staff in matters relating to the handling of estates and court proceedings and testimony.
- Provided ongoing training to Assessor staff in matters relating to the legal issues involved in equalization of property values.
- Trained various Department and Agency accounting staff in the handling of stop notices in construction cases.

## Organizational Summary



**County Counsel - Executive** - Provides executive management oversight for department. Attends Board of Supervisors' meetings and provides legal services to the Board of Supervisors.

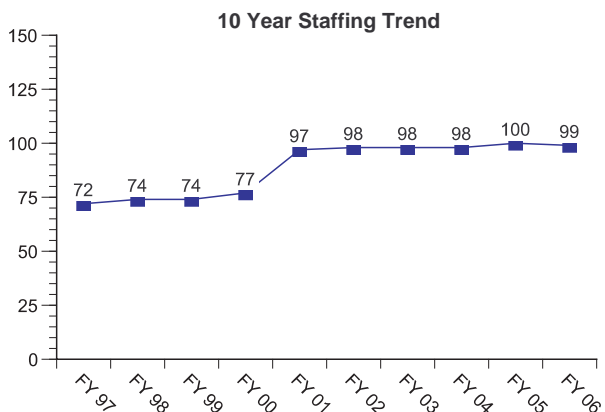
**Litigation, Development & Facilities** - Prosecutes and defends civil actions in which the County or Board-governed districts are involved such as eminent domain proceedings, tax cases, zoning matters, environmental and contract actions, damage suits, and election matters. Also provides legal advice to the Resources and Development Management Department, and drafts and reviews contracts, leases, licenses, permits, deeds and conveyances, and franchises.

**Public Services Division** - Provides legal services to the Public Administrator/Public Guardian in conservatorship matters and legal services to the Social Services Agency in Juvenile Court matters concerning abused, abandoned, or neglected children. Also includes the Finance/Administration Team, which provides legal advice to County departments on public finance matters and tax collection issues, conflict of interest issues, and elections.

**Department Administrative Services** - Provides administrative, clerical, and general support for the County Counsel and the three other divisions. Responsible for secretarial support to the attorneys, law library support and resources, human resources functions, budget, records management, computer systems and network administration, accounting, safety, and purchasing.

**Government Services** - Provides legal advice to officers and employees of specific County departments on matters relating to their duties and responsibilities in the administration of the public business. Drafts and reviews legal opinions, contracts, ordinances, resolutions, and bills for introduction in the Legislature. Advises and represents the Human Resources department and Employee Relations on employee benefit and employee relations issues. Attends meetings of the Board of Supervisors and other County boards and commissions.

### Ten Year Staffing Trend:



### Ten Year Staffing Trend Highlights:

- One position was transferred to CEO IT in FY 04/05 to provide better utilization of personnel, backup and cross cultivation of skills.
- Two new positions were added during the FY 04/05 budget hearings. One position was added to respond to an increase in work for the Sheriff-Coroner. The other

position was added to provide additional support and reduce the attorney caseload in the area of SSA/Juvenile Dependency.

- No new positions were added in 03/04 or in FY 02/03.
- One position was added in FY 01/02 in response to client department request for additional service in the area of HCA special education and juvenile client issues.
- Twenty positions were added in FY 00/01 in response to client department requests for additional services in the areas of SSA/Juvenile Dependency and CSA/PA-PG LPS/Probate and for added litigation support.
- Five positions were added from FY 95/96 to FY 99/00 to meet increased service requests by client departments.

## Budget Summary

### Plan for Support of the County's Strategic Priorities:

County Counsel will continue to improve efficiencies, effectiveness, and economies within the department through expanded use of technology for communications, document review and production, and legal research. The Office has aggressively engaged staff in identifying any and all possible cost savings that do not compromise our ability to provide our current level of service. This includes careful timekeeping to capture billable time and identification of other revenue sources. Economy also involves maximizing the value of work performed. To this end, County Counsel is involved in two initiatives to make its work product more available and more useful to County employees: an expanded training program for County employees, and the continuing development of an Intranet web site.

### Approved Budget Augmentations and Related Performance Results:

Unit Amount	Description	Performance Plan	Brass Ser.
<b>ADD 1 DEPUTY ATTORNEY IV - PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN</b> Amount:\$ 135,241	1 Dep. Attorney IV to provide legal services to PA/PG for mental health and probate cases.	Handle court referrals in compliance w/ Court set deadlines; favorable outcomes at 90% or better.	2285

### Final Budget History:

Sources and Uses	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual Exp/Rev	Budget As of 6/30/05	Actual Exp/Rev <sup>(1)</sup> As of 6/30/05	Final Budget	Actual Amount	Percent
Total Positions	98	99	99	99	0	0.00
Total Revenues	1,521,381	2,004,500	1,593,634	1,834,000	240,366	15.08
Total Requirements	7,119,183	8,327,249	7,156,489	8,675,732	1,519,243	21.22
Net County Cost	5,597,801	6,322,749	5,562,855	6,841,732	1,278,877	22.98

(1) Amounts include prior year expenditure and exclude current year encumbrance. Therefore, the totals listed above may not match Total FY 2004-05 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Detailed budget by expense category and by activity is presented for agency: County Counsel in the Appendix on page page 485

### Highlights of Key Trends:

- In the past decade there has been a shift in the skill mix required in the practice of law. Highly specialized professionals have replaced the generalist lawyer. Attorneys in the County Counsel's Office have always been specialists in public law. In recent years, both County Counsel

and litigation attorneys have followed the general trend towards specialization in substantive areas of practice. Developing and maintaining this high level of legal expertise presents a continuing challenge for the Office.

- Advisory attorneys typically provide highly specialized legal services to elected officials, one or more major departments such as the Social Services Agency, the Health Care Agency, Sheriff-Coroner, Probation, Public Facilities and Resources Department and the CEO, as well as smaller departments. General litigation attorneys are focusing their practice on subjects identified with specific departments, including the Treasurer-Tax Collector and the Assessor, the Orange County Flood Control District, Public Facilities and Resources Department, and Planning and Development Services Department. Attorneys working in the Juvenile Dependency and Mental Health/Probate Sections are likewise engaged in highly specialized areas of the law and are physically located in two outlying locations. Moreover,

County Counsel attorneys are being called upon not only to provide general legal advice and representation, but also to become more involved in transactional services and client training.

- Specialization is essential to providing timely, comprehensive legal services, and minimizing the cost of retaining outside counsel. However, with the advantages of specialization come organizational challenges, such as: 1) ensuring that there is sufficient ongoing legal training to minimize the disruption to client services related to changing client needs, attorney vacancies and assignment changes; and 2) maintaining a corporate perspective among attorneys working at different locations.

### Budget Units Under Agency Control:

No.	Agency Name	County Counsel - Executive	Litigation, Development & Facilities	Public Services Division	Department Administrative Services	Government Services	Total
025	County Counsel	415,225	2,562,836	3,310,871	1,245,342	1,141,458	8,675,732
	Total	415,225	2,562,836	3,310,871	1,245,342	1,141,458	8,675,732

## 025 - County Counsel

### Summary of Final Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2003-2004 Actual Exp/Rev	FY 2004-2005 Budget As of 6/30/05	FY 2004-2005 Actual Exp/Rev <sup>(1)</sup> As of 6/30/05	FY 2005-2006 Final Budget	Change from FY 2004-2005 Actual	
					Amount	Percent
Charges For Services	\$ 1,519,829	\$ 2,004,500	\$ 1,588,900	\$ 1,834,000	\$ 245,100	15.42%
Miscellaneous Revenues	1,553	0	4,651	0	(4,651)	-100.00
Other Financing Sources	0	0	83	0	(83)	-100.00
<b>Total Revenues</b>	<b>1,521,381</b>	<b>2,004,500</b>	<b>1,593,634</b>	<b>1,834,000</b>	<b>240,366</b>	<b>15.08</b>
Salaries & Benefits	11,156,858	11,519,303	11,519,302	12,318,797	799,495	6.94
Services & Supplies	970,252	1,306,257	974,485	1,522,334	547,849	56.21
Fixed Assets	6,454	0	0	0	0	0.00
Intrafund Transfers	(5,014,381)	(4,498,311)	(5,337,298)	(5,165,399)	171,899	-3.22
<b>Total Requirements</b>	<b>7,119,183</b>	<b>8,327,249</b>	<b>7,156,489</b>	<b>8,675,732</b>	<b>1,519,243</b>	<b>21.22</b>
<b>Net County Cost</b>	<b>\$ 5,597,801</b>	<b>\$ 6,322,749</b>	<b>\$ 5,562,855</b>	<b>\$ 6,841,732</b>	<b>\$ 1,278,877</b>	<b>22.98%</b>

(1) Amounts include prior year expenditure and exclude current year encumbrance. Therefore, the totals listed above may not match Total FY 2004-05 Actual Expenditure + Encumbrance included in the "At a Glance" section.

### Final Budget Summary of County Counsel - Executive:

Revenues/Appropriations	FY 2003-2004 Actual Exp/Rev	FY 2004-2005 Budget As of 6/30/05	FY 2004-2005 Actual Exp/Rev <sup>(1)</sup> As of 6/30/05	FY 2005-2006 Final Budget	Change from FY 2004-2005 Actual	
					Amount	Percent
Charges For Services	\$ 670	\$ 0	\$ (670)	\$ 0	\$ 670	-100.00%
<b>Total Revenues</b>	<b>670</b>	<b>0</b>	<b>(670)</b>	<b>0</b>	<b>670</b>	<b>-100.00</b>
Salaries & Benefits	495,870	272,067	718,299	511,175	(207,124)	-28.83
Services & Supplies	113,838	7,200	92,530	59,013	(33,517)	-36.22
Intrafund Transfers	0	0	0	(154,962)	(154,962)	0.00
<b>Total Requirements</b>	<b>609,708</b>	<b>279,267</b>	<b>810,830</b>	<b>415,226</b>	<b>(395,604)</b>	<b>-48.78</b>
<b>Net County Cost</b>	<b>\$ 609,038</b>	<b>\$ 279,267</b>	<b>\$ 811,499</b>	<b>\$ 415,226</b>	<b>\$ (396,273)</b>	<b>-48.83%</b>

### Final Budget Summary of Litigation, Development & Facilities:

Revenues/Appropriations	FY 2003-2004 Actual Exp/Rev	FY 2004-2005 Budget As of 6/30/05	FY 2004-2005 Actual Exp/Rev <sup>(1)</sup> As of 6/30/05	FY 2005-2006 Final Budget	Change from FY 2004-2005 Actual	
					Amount	Percent
Charges For Services	\$ 1,230,021	\$ 1,904,500	\$ 1,208,562	\$ 733,600	\$ (474,962)	-39.29%
Miscellaneous Revenues	962	0	0	0	0	0.00
<b>Total Revenues</b>	<b>1,230,983</b>	<b>1,904,500</b>	<b>1,208,562</b>	<b>733,600</b>	<b>(474,962)</b>	<b>-39.29</b>
Salaries & Benefits	3,213,790	3,414,742	3,238,996	3,334,637	95,641	2.95

### Final Budget Summary of Litigation, Development & Facilities:

Revenues/Appropriations	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual Exp/Rev	Budget As of 6/30/05	Actual Exp/Rev <sup>(1)</sup> As of 6/30/05	Final Budget	Actual Amount	Percent
Services & Supplies	37,202	31,373	28,319	312,933	284,614	1,005.01
Intrafund Transfers	(816,926)	(446,442)	(1,013,566)	(1,084,734)	(71,168)	7.02
<b>Total Requirements</b>	<b>2,434,065</b>	<b>2,999,673</b>	<b>2,253,749</b>	<b>2,562,836</b>	<b>309,087</b>	<b>13.71</b>
<b>Net County Cost</b>	<b>\$ 1,203,082</b>	<b>\$ 1,095,173</b>	<b>\$ 1,045,187</b>	<b>\$ 1,829,236</b>	<b>\$ 784,049</b>	<b>75.01%</b>

### Final Budget Summary of Public Services Division:

Revenues/Appropriations	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual Exp/Rev	Budget As of 6/30/05	Actual Exp/Rev <sup>(1)</sup> As of 6/30/05	Final Budget	Actual Amount	Percent
Charges For Services	\$ 289,138	\$ 100,000	\$ 377,275	\$ 1,100,400	\$ 723,125	191.67%
Miscellaneous Revenues	49	0	874	0	(874)	-100.00
<b>Total Revenues</b>	<b>289,187</b>	<b>100,000</b>	<b>378,149</b>	<b>1,100,400</b>	<b>722,251</b>	<b>190.99</b>
Salaries & Benefits	6,842,174	6,749,785	4,606,422	4,386,443	(219,979)	-4.77
Services & Supplies	186,995	122,760	231,665	577,356	345,691	149.22
Intrafund Transfers	(4,179,365)	(4,051,869)	(4,308,055)	(1,652,928)	2,655,127	-61.63
<b>Total Requirements</b>	<b>2,849,805</b>	<b>2,820,676</b>	<b>530,032</b>	<b>3,310,871</b>	<b>2,780,839</b>	<b>524.65</b>
<b>Net County Cost</b>	<b>\$ 2,560,618</b>	<b>\$ 2,720,676</b>	<b>\$ 151,883</b>	<b>\$ 2,210,471</b>	<b>\$ 2,058,588</b>	<b>1,355.37%</b>

### Final Budget Summary of Department Administrative Services:

Revenues/Appropriations	FY 2003-2004	FY 2004-2005	FY 2004-2005	FY 2005-2006	Change from FY 2004-2005	
	Actual Exp/Rev	Budget As of 6/30/05	Actual Exp/Rev <sup>(1)</sup> As of 6/30/05	Final Budget	Actual Amount	Percent
Charges For Services	\$ 0	\$ 0	\$ 3,732	\$ 0	\$ (3,732)	-100.00%
Miscellaneous Revenues	542	0	3,777	0	(3,777)	-100.00
Other Financing Sources	0	0	83	0	(83)	-100.00
<b>Total Revenues</b>	<b>542</b>	<b>0</b>	<b>7,593</b>	<b>0</b>	<b>(7,593)</b>	<b>-100.00</b>
Salaries & Benefits	605,023	1,082,709	1,747,733	2,647,634	899,901	51.48
Services & Supplies	632,218	1,144,924	621,622	457,250	(164,372)	-26.44
Fixed Assets	6,454	0	0	0	0	0.00
Intrafund Transfers	(18,090)	0	(15,678)	(1,859,543)	(1,843,865)	11,761.18
<b>Total Requirements</b>	<b>1,225,605</b>	<b>2,227,633</b>	<b>2,353,677</b>	<b>1,245,341</b>	<b>(1,108,336)</b>	<b>-47.08</b>
<b>Net County Cost</b>	<b>\$ 1,225,063</b>	<b>\$ 2,227,633</b>	<b>\$ 2,346,085</b>	<b>\$ 1,245,341</b>	<b>\$ (1,100,744)</b>	<b>-46.91%</b>



## Final Budget Summary of Government Services:

Revenues/Appropriations	FY 2003-2004		FY 2004-2005		FY 2004-2005		FY 2005-2006		Change from FY 2004-2005	
	Actual Exp/Rev		Budget		Actual Exp/Rev <sup>(1)</sup>		Final Budget		Actual	
			As of 6/30/05		As of 6/30/05				Amount	Percent
Salaries & Benefits	\$ 0	\$	0	\$	1,207,852	\$	1,438,908	\$	231,056	19.12%
Services & Supplies	0		0		349		115,782		115,433	33,075.35
Intrafund Transfers	0		0		0		(413,232)		(413,232)	0.00
<b>Total Requirements</b>	0		0		1,208,201		1,141,458		(66,743)	-5.52
<b>Net County Cost</b>	\$ 0	\$	0	\$	1,208,201	\$	1,141,458	\$	(66,743)	-5.52%